

APPENDIX A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA

**[ORACLE'S PROPOSED] SPECIAL
VERDICT FORM**

YOUR ANSWERS MUST BE UNANIMOUS.

1. Is Google's use of Java 2 Standard Edition Version 1.4 and Java 2 Standard Edition Version 5.0 a "fair use"?

Yes _____ (finding for Google) No _____ (finding for Oracle)

(ANSWER THE FOLLOWING QUESTIONS IF YOU ANSWERED "NO" TO QUESTION 1.)

2. Is Google's infringement willful?

Yes _____ (finding for Oracle) No _____ (finding for Google)

3. What amount of actual damages, if any, should Google pay to Oracle?

\$ _____

4. What amount of profits attributable to the infringement, if any, should Google pay to Oracle?

\$ _____

5. What amount of statutory damages, if any, should Google pay to Oracle for infringement of Oracle's copyrighted works? (The award cannot be less than \$750 nor more than \$30,000 for each work, unless Google's infringement was willful, in which case the award for each work can be up to \$150,000.)

Java Standard Edition 1.4: \$ _____

Java Standard Edition 5.0: \$ _____

Dated:

FOREPERSON